

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESale PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	Master Case No. 01-12257-PBS
	)	
THIS DOCUMENT RELATES TO:	)	Subcategory Case No. 06-11337-PBS
	)	
<i>United States of America ex rel. Ven-a-Care</i>	)	
<i>of the Florida Keys, Inc. v. Dey, Inc., et al.,</i>	)	
Civil Action No. 05-11084-PBS, and	)	Hon. Patti B. Saris
	)	
<i>United States of America ex rel. Ven-a-Care</i>	)	
<i>of the Florida Keys, Inc. v. Boehringer</i>	)	
<i>Ingelheim Corporation, Inc., et al., Civil</i>	)	
Action No. 07-10248-PBS	)	
	)	

**MOTION BY PLAINTIFFS AND ROXANE DEFENDANTS  
TO STAY BRIEFING ON PENDING MOTIONS**

In light of the Court's orders today, plaintiffs United States of America and Relator Ven-A-Care of the Florida Keys, Inc., and defendants Boehringer Ingelheim Corporation, Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., and Roxane Laboratories, Inc. n/k/a Boehringer Ingelheim Roxane, Inc. (the "Roxane defendants"), move to stay further briefing on the following motions:

- Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Bifurcate the Corporate Veil-Piercing Issues for Trial (Master Dkt# 6930, Subcategory # 699)
- The Roxane Defendants' Motion *In Limine* to Exclude Certain Evidence and Argument Related to Plaintiffs' Damages Claims (Master Dkt# 6969, Subcategory # 716)
- The Roxane Defendants' Motion *In Limine* to Exclude Certain Expert Opinions Proffered by Plaintiffs' Expert Mark G. Duggan (Master Dkt# 6974, Subcategory # 718)

Respectfully submitted,

TONY WEST  
ASSISTANT ATTORNEY GENERAL

CARMEN M. ORTIZ  
UNITED STATES ATTORNEY

Joyce R. Branda  
Daniel R. Anderson  
Laurie A. Oberembt  
Civil Division  
Commercial Litigation Branch  
P. O. Box 261  
Ben Franklin Station  
Washington, D.C. 20044  
(202) 514-3345

By: /s/ James J. Fauci  
George B. Henderson, II  
Barbara Healy Smith  
James J. Fauci  
Assistant U.S. Attorneys  
United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3272

***For the Relator,***

James J. Breen  
The Breen Law Firm, P.A.  
5755 Northpoint Parkway, Suite 260  
Alpharetta, GA 30022  
Tel. (770) 740-000  
fax: (954) 499-1173

Gary Azorsky.  
Susan Schneider Thomas  
Roslyn G. Pollack  
Berger & Montague, P.C.  
1622 Locust St.  
Philadelphia, PA 19103  
(215) 875-3090

***For Defendants Boehringer Ingelheim  
Corp., Boehringer Ingelheim  
Pharmaceuticals, Inc., Boehringer  
Ingelheim Roxane, Inc., and Roxane  
Laboratories, Inc.***

/s/ Helen E. Witt, P.C.  
Helen E. Witt, P.C.  
Eric T. Gortner  
John Reale  
KIRKLAND & ELLIS LLP  
Kirkland & Ellis LLP  
300 N. LaSalle St.  
Chicago, IL 60654  
Telephone: (312) 861-2000  
Facsimile: (312) 861-2200

CERTIFICATION

The undersigned certifies pursuant to LR 7.1(A)(2) that counsel have conferred concerning the above motion.

/s/ George B. Henderson, II  
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ George B. Henderson, II  
George B. Henderson, II  
Assistant U.S. Attorney

Dated: March 26, 2010